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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/200,985	11/30/1998	MICHELLE Y. KIM	YO9-98-446	1001

7590 09/11/2002

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EXAMINER

NGUYEN, MAIKHANH

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 09/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/200,985

Applicant(s)

KIM ET AL.

Examiner

Maikhanh Nguyen

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) ____ is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 and 4 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The action is responsive to communications: amendment B filed 07/19/2002 to the application filed on 11/03/1998.
2. Claims 1-4 are currently pending in this application. Claim 1 has been amended by Applicant. Claims 1 and 3 are independent claims.

Continued Prosecution Application

3. The request filed on 08/15/2002 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 089/200,985 is acceptable and a CPA has been established. An action on the CPA follows.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Kim et al.** (U.S 5,659,790) as cited by applicant on IDS filed on 11/30/1998 in view of **Graf** (U.S. 6,397,251 – filed 09/1997).

As to independent claim 1, Kim teaches a method of progressive time stamp (ranges of time intervals; col.2, lines 1-25) resolution in a multimedia presentation (multimedia presentation; col.2, lines 1-25) comprising the steps of:

- supplying a player (user interactive screen; col. 5, lines 41-67) of a multimedia presentation (multimedia presentation; col.2, lines 1-25) with information comprising two labels, one for a multimedia object's (multimedia objects; col.4, lines 48-64) start time (the process starts; col.6, lines 3-12) and one for the multimedia object's (multimedia objects; col.4, lines 48-64) end time (process ends; col.6, lines 54-63) relative to other multimedia object start and stop times (temporal relations; col.5, lines 1-67), and three durations (time durations; col.5, lines 1-67), a minimum duration (a minimum length; col.4, lines 1-41), a maximum duration (a maximum length; col.4, lines 1-41) and a preferred duration (an optimum length; col.4, lines 1-41) for each multimedia object prior to start playback (playback; col.3, lines 40-48) of the multimedia object; and

However, Kim does not explicitly teach “resolving the durations of multimedia objects using said information based on actual multimedia object durations and delay arrival time of information of multimedia objects to be played.”

Graf teaches resolving the durations of multimedia objects using said information based on actual multimedia object durations and delay arrival time of information of multimedia objects to be played (providing an additional time delay for the presentation of a multimedia file

in order to account for the delayed arrival of frames at the receiver due to the spreading of the transmission of the frames over time... The time delay can be simply adapted to other features of the underlying network... The relationship between additional time delay and transmission rate can be calculated; col.4, lines 15-53/ the arrival of the information at the receiver is delayed; col.5, lines 49-56).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made combine the teachings of Graf with Kim because it would have provided the enhanced capability for producing the schedule for transmission of the video file that prevents buffer underflow or overflow in the receiver.

As to dependent claim 2, Kim teaches (col.6, lines 1-67) the step of resolving comprises the steps of:

- calculating minimum and maximum end times for over all multimedia objects (the different between the specified optimal play duration of the episode and the schedule play duration)
- calculating actual end times that are shared by all multimedia objects (get the global minimum and maximum lengths)
- recalculating a preferred duration of each multimedia object (the schedule for the multimedia story is output and the multimedia document is run according to the schedule in output block).

Allowable Subject Matter

5. Claims 3 and 4 are allowed.

Response to Arguments

6. Applicant's arguments filed on July 19, 2002 have been fully considered but they are not persuasive.

The broad claim limitations used in the application continues to read on the references presented in the previous office action.

Applicant argues that *claim 1 is amended to recite "delay arrival time" of information (which can include information which is different than the initial duration due to any kind of delay such as network/playback delay.) This feature is clearly not taught by the Kim reference.*

In response, Graf teaches resolving the durations of multimedia objects using said information based on actual multimedia object durations and delay arrival time of information of multimedia objects to be played (providing an additional time delay for the presentation of a multimedia file in order to account for the delayed arrival of frames at the receiver due to the spreading of the transmission of the frames over time... The time delay can be simply adapted to other features of the underlying network... The relationship between additional time delay and transmission rate can be calculated; col.4, lines 15-53/ the arrival of the information at the receiver is delayed; col.5, lines 49-56).

Applicant argues that *Kim does not teach an actual duration of a multimedia object being different from its initial duration due to any kind of delay. Kim further does not teach arrival of the information over the network. (Remark, page 4, lines 28-30)*

In response, "an actual duration of a multimedia object being different from its initial duration due to any kind of delay" is not claimed by the Applicant.

Graf teaches arrival of the information over the network (the arrival of the information at the receiver is delayed; col.5, lines 49-56).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Adams et al.	U.S Patent No. 5,933,835	issued dated: August 3, 1999
DeMoney	U.S Patent No. 6,064,379	issued dated: May 16, 2000
Milne et al.	U.S Patent No. 5,680,639	issued dated: Oct. 21, 1997

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maikhanh Nguyen whose telephone number is (703) 306-0092. The examiner can normally be reached on Monday - Friday from 9:00am – 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (703) 308-5186. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5403 for regular communications and (703) 308-5403 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

Contact Information:

Art Unit: 2176

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or fax to:

AFTER-FINAL faxes must be signed and sent to (703) 746-7238.

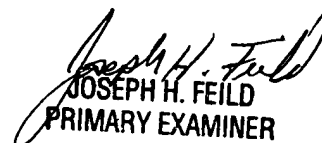
OFFICIAL faxes must be signed and sent to (703) 746-7239.

NON OFFICIAL faxes should be sent to (703) 746-7240.

All OFFICIAL faxes will be handled and entered by the docketing personnel. The date of entry will correspond to the actual FAX reception date unless that date is a Saturday, Sunday, or a Federal Holiday within the District of Columbia, in which case the official date of receipt will be the next business day. The application file will be promptly forwarded to the Examiner unless the application file must be sent to another area of the Office, e.g., Finance Division for fee charging, etc.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist). All hand-delivered responses will be handled and entered by the docketing personnel. Please do not hand deliver responses directly to the Examiner.

Maikhanh Nguyen
September 5, 2002


JOSEPH H. FEILD
PRIMARY EXAMINER